

E-FILED - 11/20/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

L.C. HARMON,)	No. C 07-1576 RMW (PR)
)	
Petitioner,)	ORDER DENYING
)	PETITIONER'S MOTION FOR A
vs.)	STAY
)	
BEN CURRY, Warden,)	(Docket No. 13)
)	
Respondent.)	

Petitioner, a California state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the Board of Prison Terms' ("Board") decision denying him parole.

In the petition, petitioner raises the following claims, which this court found cognizable in its order to show cause: (1) the Board's denial of parole violated his plea agreement; and (2) the Board violated his right to equal protection under the California Constitution and the Fourteenth Amendment when it failed to consider setting his parole term and failed to fix a primary term. The court granted respondent's motion to dismiss on August 18, 2008, concluding that petitioner's equal protection claim was unexhausted.

dismissed without prejudice.

This order terminates Docket No. 13

IT IS SO ORDERED.

Dated: 11/17/08



RONALD M. WHYTE
United States District Judge